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8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 DAVID ALAN MULLINER, an individual,
11 Plaintiff,

12 v.

13 TRANS UNION, LLC, a foreign limited liability
14 company; EQUIFAX, INC., a foreign
15 corporation; EXPERIAN INFORMATION
16 SOLUTIONS, INC., a foreign corporation;
17 HSBC CARD SERVICES, INC., a foreign
corporation; TARGET NATIONAL BANK, a
foreign corporation; U.S. BANK, a national
banking association,
18 Defendants.

Case No.: 2:15-cv-0282-JAC-VCF

**STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE AS TO
DEFENDANT HSBC CARD SERVICES,
INC.**

19 **WHEREAS** plaintiff, David Alan Mulliner (“plaintiff”) and defendant, HSBC Card
20 Services, Inc., (“HSBC”) stipulate as follows:

21 **IT IS HEREBY JOINTLY STIPULATED AND AGREED** by plaintiff and HSBC, by
22 and through their respective attorneys of record, and subject to the approval of the Court, that
23 pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the above-captioned

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1 matter is hereby dismissed with prejudice as to HSBC, with each party bearing their own
 2 attorneys' fees and costs incurred herein.

3 RESPECTFULLY SUBMITTED.

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 5 Dated this 11th day of September, 2015.

6 **BLACK & LOBELLO**

7 /s/ Kevin L. Hernandez
 8 Maximiliano D. Couvillier III, Esq.
 9 Kevin L. Hernandez, Esq.
 10 10777 W. Twain Ave., Third Floor
 11 Las Vegas, NV 89135
 12 *Attorneys for plaintiff*

Dated this 11th day of September, 2015.

GREENBURG TRAUUG, LLP

13 /s/ Michael R. Hogue
 14 Michael R. Hogue, Esq.
 15 Nevada Bar No. 12400
 16 3773 Howard Hughes Parkway, Suite 400 N.
 17 Las Vegas, NV 89169
 18 *Attorneys for Defendant,*
 19 *HSBC Card Services*

20 ORDER OF DISMISSAL WITH PREJUDICE

21 By this stipulation [ECF 30], plaintiff David Alan Mulliner and defendant HSBC Card
 22 Services, Inc., state that they have stipulated under Federal Civil Rule 41(a)(1)(A)(ii) to dismiss
 23 claims against HSBC. But rule 41(a)(1)(A)(ii) only contemplates dismissal based on "a
 24 stipulation of dismissal *signed by all parties who have appeared,*" and this stipulation was not
 25 signed by U.S. Bank or Experian, both of whom have appeared in this case and continue to
 26 actively litigate it. In the interest of justice and judicial economy, the court will treat this
 27 stipulation as a motion for voluntary dismissal under Rule 41(a)(2) and finds good cause to grant
 28 it on the just terms proposed by the stipulation. Plaintiff is cautioned that further stipulations to
 dismiss claims in this case will require either a stipulation signed by all parties who have
 appeared as required by Rule 41(a)(1)(A)(ii), or a motion under Rule 41(a)(2).

Accordingly, with good cause appearing, IT IS HEREBY ORDERED that all claims
 against HSBC Card Services, Inc. are DISMISSED with prejudice, with plaintiff and HSBC to
 bear their own fees and costs.

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